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October 13, 2009

Via Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: Docket Number 08-90, Embedded Advertising

Dear Ms. Dortch,

On October 9th, 2009, several representatives of the Writers Guild of America, West (WGAW) met with Chairman Julius Genachowski, Chief of Staff Edward Lazarus, Special Advisor Shomik Dutta, and Special Assistant Daniel Ornstein to discuss the growing use of embedded advertising techniques in television programming. The Writers Guild was represented by WGAW members John Wells, Tom Schulman, David Weiss, Billy Ray and Thania St. John, along with WGAW staff David Young, Lesley Mackey McCambridge, and myself.

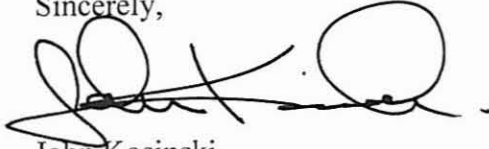
Representatives of the Writers Guild provided empirical and anecdotal evidence concerning the growing use of embedded advertising on broadcast and cable television. In addition, we provided recent examples of scrolls being used by certain networks to advertise products. Most notably, TBS is using a scroll along the bottom of the screen to advertise for Captain Morgan Rum during the Major League Baseball playoffs.

The Writers Guild reiterated its desire to protect children from the hidden effects of embedded advertising, especially products that may contain harmful health effects. Children watch an array of programming, particularly primetime programming, and much of this content is chock full of embedded ads. For example, *American Idol* remains among the most popular shows for children ages 2 to 17, and the show also remains among the most product-laden on television. It is hard to watch a few minutes of *American Idol* and not find a logo or a plug for Coca-Cola. We humbly requested the Chairman consider a broader definition of "children's programming" as the Commission contemplates formal rules.

Lastly, we expressed our belief that embedded advertising will only expand as DVR adoption rates grow. As more Americans have the ability to flip through

commercials, we can expect advertisers and networks to become more aggressive in their efforts to embed advertising into programs. We strongly suggested the Chairman act immediately to develop clear rules that may help guide the business plans of advertisers and networks during this period of transition.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Kosinski', with a large circular flourish at the end.

John Kosinski
Director of Government Affairs
Writers Guild of America, West

Cc: Edward Lazarus
Colin Crowell